

**LICENSING
COMMITTEE**

12 June 2017

EQUALITY ACT 2010 – SECTIONS 165 – 167
POSITION STATEMENT ON THE MAINTENANCE OF A LIST OF
DESIGNATED VEHICLES

Relevant Portfolio Holder	Councillor P.J. Whittaker
Portfolio Holder Consulted	Yes
Relevant Head of Service	Simon Wilkes – Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report aims to highlight to Members the recently enacted provisions of sections 165 to 167 of the Equality Act 2010 and invites Members to consider whether the Council wishes to maintain a list of designated vehicles in accordance with section 167 of the Act and if so, what accessibility requirements will have to be met by vehicles included on the list of designated vehicles.

2. RECOMMENDATIONS

That Members RESOLVE to recommend to Council the adoption of the draft position statement with respect to sections 165 – 167 of the Equality Act 2010 as shown at Appendix 2

3. KEY ISSUES

Financial Implications

- 3.1 The additional costs of maintaining a list of designated vehicles are not anticipated to be significant and would be met from existing budgets held by Worcestershire Regulatory Services.

Legal Implications

- 3.2 The legal implications can be found in the main body of the report.

Service / Operational Implications

- 3.3 On 7th February 2017 the Department for Transport (DfT) announced their intention to implement sections 165 – 167 of the Equality Act 2010 by and made the Equality Act 2010 (Commencement No. 12) Order 2017 which subsequently took effect on 6th April 2017.
- 3.5 As a result of this change to the law, drivers of designated wheelchair accessible taxi and private hire vehicles are now obliged to:
- transport wheelchair users in their wheelchair
 - provide passengers in wheelchairs with appropriate assistance
 - charge wheelchair users the same as non-wheelchair users
- 3.6 The new rules apply in England, Wales and Scotland, apply to both taxis and private hire vehicles and affect vehicles that are designated as wheelchair accessible.
- 3.7 Drivers found to be discriminating against wheelchair users face fines of up to £1,000. Drivers may also face having their taxi or private hire vehicle licence suspended or revoked by their licensing authority. Drivers unable to provide assistance for medical reasons are able to apply to the Council for an exemption from the new requirements.
- 3.8 The new powers only apply in those areas where the licensing authority has decided to maintain a list of designated vehicles under section 167 of the Equality Act 2010, and where the driver is driving a vehicle included on the list of designated vehicles maintained by the licensing authority.
- 3.9 In order to be able to enforce the new provisions, officers are recommending that the Council decides to maintain a list of designated vehicles under section 167.
- 3.10 A vehicle can then be added to the list of designated vehicles provided:
- (a) it is either a taxi or a private hire vehicle, and
 - (b) it conforms to such accessibility requirements as the licensing authority thinks fit.
- 3.11 The Department for Transport has published guidance on the accessibility requirements that licensing authorities should apply. This guidance can be found at Appendix 1. Licensing authorities that decide to maintain a list of vehicles under section 167 of the Equality Act 2010 have a legal obligation to have regard to this guidance under section 167(7).

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- 3.12 Having considered the guidance at Appendix 1, officers recommend that the Council resolves to adopt the draft position statement shown at Appendix 2 to the report.
- 3.13 The position statement contains the following:
- An introduction to the legislative provisions
 - A commitment to maintaining a list of designated vehicles
 - The accessibility requirements for vehicles that will be entered onto the designated list
 - A summary of the duties placed on drivers of designated vehicles
 - An explanation of how applications for exemptions from the duties will be dealt with
 - A statement on the approach that will be taken in relation to enforcing compliance with the duties.
- 3.14 Adoption of this position statement is being recommended to all six Councils in Worcestershire whose taxi and private hire licensing functions are carried out by Worcestershire Regulatory Services. This is in order to achieve consistency in the enforcement of these new provisions across Worcestershire in the interests of transparency and fairness to both licence holders and wheelchair users.
- 3.15 The Licensing Committee are asked to recommend adoption of the draft position statement at Appendix 2 to Council.

4. RISK MANAGEMENT

- 4.1 If the Council does not decide to maintain a list of designated vehicles under section 167 of the Equality Act 2010, the new protections the legislation provides for wheelchair users will not be applicable in the Council's area. This would carry a significant risk of reputational damage for the Council.

5. APPENDICES

- Appendix 1 – Guidance on Accessibility Requirements
Appendix 2 – Draft Position Statement

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